

Remarks:

Applicants' agent apologizes for not providing a listing of all claims that were presented and for not showing claim changes in underlined and strike through formatting in the previous claim submission dated January 26, 2007. The present claim submission is believed to comport with the requirements of Rule 1.121.

Objection to the Specification:

The Office Action states that the disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code; pages 13, 16, 17 and 23 of the specification are specifically identified. The Examiner is advised that no such hyperlink or browser-executable code could be found on page 23, but rather was found on page 21. Accordingly, pages 13, 16, 17 and 21 have been amended to phrase Internet addresses such that they are not recognized as active embedded hyperlinks or active browser-executable code.

Claims Rejections -35 U.S.C. §. 112:

Pursuant to the rejection of claim 45 under 35 U.S.C. § 112, second paragraph, claim 45 has been amended to recite a preamble of "an isolated antimicrobial peptide comprising an amino acid sequence selected from the group consisting of:".

Pursuant to the rejection of claim 38 under 35 U.S.C. § 112, first paragraph, claim 38 has been amended to recite an "initial peptide selected from the group consisting of a hepcidin, a pleurocidin, a pardaxin, a misgurin, HFA-1, a piscidin, a moronecidin, and a cleavage product of histone 2A from catfish:". Each of the terms in the recited Markush group is known to the skilled person. Furthermore, the skilled person is well aware of the structure and function of polypeptides encompassed by these terms. For at least these reason, claims 38 is submitted to be compliant with the written description requirement of 35 U.S.C. § 112, first paragraph and withdrawal of Examiner's rejection is respectfully requested.

Claim Rejections 35 U.S. C § 102:

The Examiner contends that claim 38 is anticipated by Douglas et al. (2001, Dev. Comp. Immunol., Vol. 25, pp. 137-147). Applicants respectfully traverse this rejection. Douglas et al. identified a nucleotide sequence which encoded a pleurocidin-like peptide. Based on this nucleotide sequence, Douglas et al. were able to identify further pleurocidin-like genes from the same fish.

In contrast, claim 38 recites "identifying a DNA sequence from a first fish species containing a nucleotide sequence encoding the initial peptide" and "screening a test nucleic acid sequence from a fish species other than the first fish species".

Douglas et al. clearly do not suggest or teach a method comprising a step of "screening a test nucleic acid sequence from a fish species other than the first fish species". Furthermore, Douglas et al. do not disclose any polypeptides obtained from a fish species other than the first fish species. Douglas et al. only disclose pleurocidin-like peptides obtained from the same fish species (i.e., a first fish species), and provides no guidance as to how to isolate pleurocidin-like polypeptides, or any other type of polypeptide, from a fish species other than the first fish species.

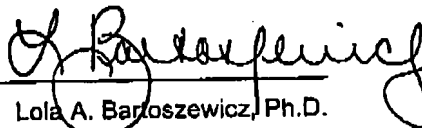
Applicants gratefully acknowledge Examiner's statement that the elected species of claim 45 (i) is free of the prior art. Examination of the generic claim is requested.

Applicant respectfully requests reconsideration of the application. The Examiner may contact the undersigned should any clarification be required.

Respectfully submitted,

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By



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